

Jennifer Anderson v. The Fresh Market, Inc.
Notice of Removal

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

Jennifer Anderson,

Plaintiff(s),

v.

The Fresh Market, Inc.; et al.,

Defendant(s).

Civil Action No.

NOTICE OF REMOVAL

Exhibit 1—State Court Filings

ALABAMA SJIS CASE DETAIL**PREPARED FOR: BRENNAN OHME**

County: **01** Case Number: **CV-2020-903036.00** Court Action:
 Style: **JENNIFER ANDERSON V. THE FRESH MARKET, INC.**

Real Time**Case****Case Information**

County: **01-JEFFERSON -** Case Number: **CV-2020-903036.00** Judge: **CCS:CAROLE C. SMITHERMAN**
 Style: **JENNIFER ANDERSON V. THE FRESH MARKET, INC.**
 Filed: **08/27/2020** Case Status: **ACTIVE** Case Type: **NEGLIGENCE-GENERAL**
 Trial Type: **BENCH** Track: Appellate Case: **0**
 No of Plaintiffs: **1** No of Defendants: **1**

Damages

Damage Amt: **0.00** Punitive Damages: **0.00** General Damages: **0.00**
 No Damages: Compensatory Damages: **0.00**
 Pay To: Payment Frequency: Cost Paid By:

Court Action

Court Action Code: Court Action Desc: Court Action Date:
 Num of Trial days: **0** Num of Liens: **0** Judgment For:
 Disposition Date of Appeal: Disposition Judge: : Disposition Type:
 Revised Judgement Date: Minstral: Appeal Date:
 Date Trial Began but No Verdict (TBNV1):
 Date Trial Began but No Verdict (TBNV2):

Comments

Comment 1:
 Comment 2:

Appeal Information

Appeal Date: Appeal Case Number: Appeal Court:
 Appeal Status: Origin Of Appeal:
 Appeal To: Appeal To Desc: LowerCourt Appeal Date:
 Disposition Date Of Appeal: Disposition Type Of Appeal:

Administrative Information

Transfer to Admin Doc Date: Transfer Reason: Transfer Desc:
 Number of Subpoenas: Last Update: **08/27/2020** Updated By: **AJA**

Parties**Party 1 - Plaintiff INDIVIDUAL - ANDERSON JENNIFER****Party Information**

Party: **C001-Plaintiff** Name: **ANDERSON JENNIFER** Type: **I-INDIVIDUAL**
 Index: **D THE FRESH MA** Alt Name: Hardship: **No** JID: **CCS**
 Address 1: **ROGER K. FUSTON, LLC** Phone: **(205) 000-0000**

Address 2: 600 LUCKIE DRIVE, STE 300
 City: BIRMINGHAM State: AL Zip: 35223-0000 Country: US
 SSN: XXX-XX-X999 DOB: Sex: F Race:

Court Action

Court Action: Court Action Date:
 Amount of Judgement: \$0.00 Court Action For: Exemptions:
 Cost Against Party: \$0.00 Other Cost: \$0.00 Date Satisfied:
 Comment: Arrest Date:
 Warrant Action Date: Warrant Action Status: Status Description:

Service Information

Issued: Issued Type: Reissue: Reissue Type:
 Return: Return Type: Return: Return Type:
 Served: Service Type: Service On: Served By:
 Answer: Answer Type: Notice of No Service: Notice of No Answer:

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	FUS002		FUSTON ROGER KING	RFUSTON@FPFLAW.COM	(205) 977-9798

Party 2 - Defendant BUSINESS - THE FRESH MARKET, INC.**Party Information**

Party: D001-Defendant Name: THE FRESH MARKET, INC. Type: B-BUSINESS
 Index: C ANDERSON JEN Alt Name: Hardship: No JID: CCS
 Address 1: C/O CORPORATE CREATIONS Phone: (205) 000-0000
 Address 2: 4000 EAGLE POINT CORP DR.
 City: BIRMINGHAM State: AL Zip: 35242-0000 Country: US
 SSN: XXX-XX-X999 DOB: Sex: Race:

Court Action

Court Action: Court Action Date:
 Amount of Judgement: \$0.00 Court Action For: Exemptions:
 Cost Against Party: \$0.00 Other Cost: \$0.00 Date Satisfied:
 Comment: Arrest Date:
 Warrant Action Date: Warrant Action Status: Status Description:

Service Information

Issued: 08/27/2020 Issued Type: C-CERTIFIED MAIL Reissue: Reissue Type:
 Return: Return Type: Return: Return Type:
 Served: 08/31/2020 Service Type: C-CERTIFIED MAIL Service On: Served By:
 Answer: Answer Type: Notice of No Service: Notice of No Answer:

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	000000		PRO SE		

Financial**Fee Sheet**

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	N	AOCC	C001	000	\$7.20	\$7.20	\$0.00	\$0.00	0
ACTIVE	N	CONV	C001	000	\$0.00	\$14.33	\$0.00	\$0.00	0
ACTIVE	N	CV05	C001	000	\$306.00	\$306.00	\$0.00	\$0.00	0
ACTIVE	N	VADM	C001	000	\$45.00	\$45.00	\$0.00	\$0.00	0
Total:					\$358.20	\$372.53	-\$14.33	\$0.00	

Financial History

Transaction Date	Description	Disbursement Account	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
08/27/2020	CREDIT	CONV	2020236	1299320	\$14.33	C001	000		N			DOG
08/27/2020	RECEIPT	AOCC	2020236	1299310	\$7.20	C001	000		N			DOG
08/27/2020	RECEIPT	CV05	2020236	1299330	\$306.00	C001	000		N			DOG
08/27/2020	RECEIPT	VADM	2020236	1299340	\$45.00	C001	000		N			DOG

Case Action Summary

Date:	Time	Code	Comments	Operator
8/27/2020	12:42 PM	FILE	FILED THIS DATE: 08/27/2020 (AV01)	AJA
8/27/2020	12:42 PM	EORD	E-ORDER FLAG SET TO "Y" (AV01)	AJA
8/27/2020	12:42 PM	ASSJ	ASSIGNED TO JUDGE: CAROLE C. SMITHERMAN (AV01)	AJA
8/27/2020	12:42 PM	SCAN	CASE SCANNED STATUS SET TO: N (AV01)	AJA
8/27/2020	12:42 PM	TDMN	BENCH/NON-JURY TRIAL REQUESTED (AV01)	AJA
8/27/2020	12:42 PM	STAT	CASE ASSIGNED STATUS OF: ACTIVE (AV01)	AJA
8/27/2020	12:42 PM	ORIG	ORIGIN: INITIAL FILING (AV01)	AJA
8/27/2020	12:42 PM	C001	C001 PARTY ADDED: ANDERSON JENNIFER (AV02)	AJA
8/27/2020	12:42 PM	C001	INDIGENT FLAG SET TO: N (AV02)	AJA
8/27/2020	12:42 PM	C001	C001 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/27/2020	12:42 PM	C001	LISTED AS ATTORNEY FOR C001: FUSTON ROGER KING	AJA
8/27/2020	12:42 PM	D001	D001 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/27/2020	12:42 PM	D001	CERTIFIED MAI ISSUED: 08/27/2020 TO D001 (AV02)	AJA
8/27/2020	12:42 PM	D001	D001 PARTY ADDED: THE FRESH MARKET, INC. (AV02)	AJA
8/27/2020	12:42 PM	D001	LISTED AS ATTORNEY FOR D001: PRO SE (AV02)	AJA
8/27/2020	12:42 PM	D001	INDIGENT FLAG SET TO: N (AV02)	AJA
8/27/2020	12:44 PM	ECOMP	COMPLAINT E-FILED.	FUS002
8/27/2020	2:28 PM	ESCAN	SCAN - FILED 8/27/2020 - NOTICE	SHB
9/4/2020	10:18 AM	D001	SERVICE OF CERTIFIED MAI ON 08/31/2020 FOR D001	SHH
9/4/2020	10:21 AM	ESERC	SERVICE RETURN	SHH

Images

Date:	Doc#	Title	Description	Pages
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8/27/2020 12:44:26 PM	1	CIVIL_COVER_SHEET	CIRCUIT COURT - CIVIL CASE	1
8/27/2020 12:44:26 PM	2	COMPLAINT		6
8/27/2020 12:44:52 PM	3	COMPLAINT - TRANSMITTAL	E-NOTICE TRANSMITTALS	2
8/27/2020 12:44:52 PM	4	COMPLAINT - SUMMONS	E-NOTICE TRANSMITTALS	1
8/27/2020 2:28:51 PM	5	NOTICE	TO CLERK	2
9/4/2020 10:21:13 AM	7	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
9/4/2020 10:21:12 AM	6	SERVICE RETURN	SERVICE RETURN	2



END OF THE REPORT



ELECTRONICALLY FILED

8/27/2020 12:44 PM

01-CV-2020-903036.00

CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA

Ca: 01 JACQUELINE ANDERSON SMITH, CLERK

Date of Filing:

Judge Code:

08/27/2020

State of Alabama
Unified Judicial System
Form ARCiv-93 Rev. 9/18**COVER SHEET**
CIRCUIT COURT - CIVIL CASE
(Not For Domestic Relations Cases)**GENERAL INFORMATION****IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**
JENNIFER ANDERSON v. THE FRESH MARKET, INC.

First Plaintiff: ☐ Business ☒ Individual **First Defendant:** ☒ Business ☐ Individual
☐ Government ☐ Other ☐ Government ☐ Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:**TORTS: PERSONAL INJURY**

- ☐ WDEA - Wrongful Death
☒ TONG - Negligence: General
☐ TOMV - Negligence: Motor Vehicle
☐ TOWA - Wantonness
☐ TOPL - Product Liability/AEMLD
☐ TOMM - Malpractice-Medical
☐ TOLM - Malpractice-Legal
☐ TOOM - Malpractice-Other
☐ TBFM - Fraud/Bad Faith/Misrepresentation
☐ TOXX - Other: _____

TORTS: PERSONAL INJURY

- ☐ TOPE - Personal Property
☐ TORE - Real Property

OTHER CIVIL FILINGS

- ☐ ABAN - Abandoned Automobile
☐ ACCT - Account & Nonmortgage
☐ APAA - Administrative Agency Appeal
☐ ADPA - Administrative Procedure Act
☐ ANPS - Adults in Need of Protective Services

OTHER CIVIL FILINGS (cont'd)

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/
Enforcement of Agency Subpoena/Petition to Preserve
☐ CVRT - Civil Rights
☐ COND - Condemnation/Eminent Domain/Right-of-Way
☐ CTMP - Contempt of Court
☐ CONT - Contract/Ejectment/Writ of Seizure
☐ TOCN - Conversion
☐ EQND - Equity Non-Damages Actions/Declaratory Judgment/
Injunction Election Contest/Quiet Title/Sale For Division
☐ CVUD - Eviction Appeal/Unlawful Detainer
☐ FORJ - Foreign Judgment
☐ FORF - Fruits of Crime Forfeiture
☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
☐ PFAB - Protection From Abuse
☐ EPFA - Elder Protection From Abuse
☐ FELA - Railroad/Seaman (FELA)
☐ RPRO - Real Property
☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship
☐ COMP - Workers' Compensation
☐ CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F ☒ INITIAL FILINGA ☐ APPEAL FROM
DISTRICT COURTO ☐ OTHERR ☐ REMANDEDT ☐ TRANSFERRED FROM
OTHER CIRCUIT COURT**HAS JURY TRIAL BEEN DEMANDED?** ☐ YES ☒ NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: ☒ MONETARY AWARD REQUESTED ☐ NO MONETARY AWARD REQUESTED**ATTORNEY CODE:**

FUS002

8/27/2020 12:44:34 PM

Date

/s/ ROGER KING FUSTON

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: ☐ YES ☒ NO ☐ UNDECIDED**Election to Proceed under the Alabama Rules for Expedited Civil Actions:** ☐ YES ☒ NO



ELECTRONICALLY FILED

8/27/2020 12:44 PM

01-CV-2020-903036.00

CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA

JACQUELINE ANDERSON SMITH, CLERK

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

JENNIFER ANDERSON,

PLAINTIFF,

vs

THE FRESH MARKET, INC;

CV-2020-_____

There may be other entities whose true names and identities are unknown to the plaintiffs at this time who may be legally responsible for the claim(s) set forth herein who may be added by amendment by the plaintiff when their true names and identities are accurately ascertained by further discovery. Until that time, the plaintiffs will designate these parties in accordance with ARCP 9(h). The word "entity" used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnership any and all types of corporations and unincorporated associations. The symbol by which these parties defendants are designated is intended to include more than one entity in the event that discovery reveals that the descriptive characterizations of the symbol applies to more than one "entity". In the present action, the party defendants which the plaintiffs must include by descriptive characterization are as follows:

DEFENDANT A, B, and C, the correct designation of the corporation or entity otherwise known and doing business as THE FRESH MARKET, INC. located at 549 Brookwood Village, Homewood, Alabama, and are otherwise unknown at this time, but will be added by amendment when ascertained;

)
DEFENDANT D, E AND F, being the)
correct designation of the entity that)
owned or controlled, in whole or in part,)
the entity otherwise known and doing)
business as THE FRESH MARKET, INC.)
located at 549 Brookwood Village,)
Homewood, Alabama, otherwise unknown)
at this time, but will be added by)
amendment when ascertained;)

)
DEFENDANT G, H, and I, being the)
correct designation of those persons,)
corporations or other legal entity whose)
wrongful conduct contributed to cause)
the injuries and damages sustained by)
the Plaintiff as alleged herein, whose true)
and correct names are unknown to the)
Plaintiff at this time but will be added by)
amendment when ascertained;)

)
DEFENDANTS.)

COMPLAINT

STATEMENT OF THE PARTIES

1. The Plaintiff Jennifer Anderson alleges that, at all times material herein, she was, and is currently, an adult citizen of the state of Alabama, residing in Jefferson County, Alabama.

2. The Plaintiff Jennifer Anderson further alleges that **Defendant The Fresh Market, Inc.** is a Delaware corporation licensed to do business in Jefferson County, Alabama, at all material times herein.

3. The Plaintiff Jennifer Anderson further alleges that Fictitious **Defendants A, B, and C**, is the correct designation of the corporation or other entity otherwise known and doing business as **Fresh Market**, located at 549 Brookwood Village, Homewood, Jefferson County, Alabama, 35209, with corporate offices located 2000 Interstate Park Dr., Montgomery, AL 36109-

5421, and 628 Green Valley Road ,Greensboro , NC 27408, and other locations currently unknown to the Plaintiff, and whose true and correct name is unknown to the Plaintiff at this time but will be added by amendment when ascertained.

4. The Plaintiff Jennifer Anderson further alleges that Fictitious **Defendants D, E and F** is the correct designation of the corporation or other legal entity who owned or controlled, in whole or in part, the company otherwise known and doing business as **Fresh Market**, located at 549 Brookwood Village, Homewood, Jefferson County, Alabama, 35209 whose true and correct name is unknown to Plaintiff at this time but will be added by amendment when ascertained.

5. The Plaintiff Jennifer Anderson further alleges that Fictitious Defendants **G, H and I** is the correct designation of person, corporation or other legal entity whose wrongful conduct contributed to cause the injuries and damages sustained by the Plaintiff, whose true and correct names are unknown to the Plaintiff at this time but will be added by amendment when ascertained.

STATEMENT OF THE FACTS

6. The Plaintiff Jennifer Anderson alleges that on or about August 27, 2018, she was a customer and business invitee of **Defendant, The Fresh Market, Inc.** at the retail grocery store located at 549 Brookwood Village, Homewood, AL 35209.

7. While shopping that day at said Fresh Market grocery store, Mrs. Anderson encountered an oily/slippery substance on the floor in the aisle adjacent to the olive oil section, which was hazardous and dangerous and known by the Defendants to be present before the Plaintiff encountered it. There was no warning sign in the area where she was walking and fell. This hazardous condition caused her feet to slide out from under her and lose her balance, resulting in her falling to the floor and injuring herself.

8. The Plaintiff Jennifer Anderson further alleges the oily/slippery substance on the floor from an earlier spill of an oily/slippery substance, which store personnel had attempted to clean and remove, but failed to properly and completely remove, thus creating a dangerous condition for invitees of the store.

9. The Plaintiff Jennifer Anderson further alleges soon after her fall, while still trying to recover, another patron also encountered the oily/slippery floor and slipped himself.

10. The Plaintiff Jennifer Anderson further alleges that at no time were any warning signs or caution barriers placed in the area where she fell, so as to alert customers of the hazardous condition and prevent falls like that experienced by the Plaintiff.

11. The Plaintiff Jennifer Anderson further alleges that no store personnel attempted to stop or warn her before she encountered the hazardous condition.

COUNT ONE

(Negligence/Wantonness)

12. The Plaintiff Jennifer Anderson adopts and incorporates by reference each and every allegation set forth in the Statement of the Parties and Statements of the Facts as if fully set out herein.

13. The Defendants **The Fresh Market, Inc. and Fictitious Defendants A through I**, is the owner and operator of the retail grocery located 549 Brookwood Village, Homewood, Jefferson County, Alabama, 35209, made the basis of this suit.

14. The Defendants **The Fresh Market, Inc. and Fictitious Defendants A through I**, had a duty to provide a safe premises for its customers and also had a duty to properly clean and remove the foreign, oily and slippery substance that caused the plaintiff to slip and fall.

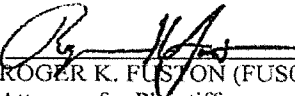
15. The Defendants **The Fresh Market, Inc. and Fictitious Defendants A through I**, breached its duty to provide reasonably safe premises to invitee Jennifer Anderson and other patrons, by negligently and/or wantonly failing to provide a premises free from slippery substances and failing to clean up and remove said slippery substance where the Plaintiff slipped and fell, proximately injuring her.

16. The Defendants **The Fresh Market, Inc. and Fictitious Defendants A through I** also breached its duty to warn or inform the Plaintiff and other patrons of the slippery and hazardous surface on the floor by not adequately placing warning signs, barriers and/or verbally informing their customers of the existence of the hazard.

17. The Plaintiff Jennifer Anderson further alleges as a direct and proximate cause of said negligence and/or wantonness on behalf of the Defendants **The Fresh Market, Inc. and Fictitious Defendants A through I** she was caused to suffer the following injuries:

- She suffered injuries to her left leg, foot and ankle requiring three surgeries to repair. The last of which was required to excise and debride tissue that became infected after her second surgery.
- She suffered injury to her lower back;
- She was caused to suffer pain and discomfort;
- She was caused to incur medical expenses; prescription expenses, durable medical equipment expenses and out of pocket expenses;
- She was caused to undergo extensive and protracted physical therapy;
- She was caused to have permanent scarring on her lower leg;
- She was caused to suffer a permanent physical impairment of the use of her lower extremity and to her body as a whole;

WHEREFORE, the Plaintiff Jennifer Anderson demands compensatory and punitive damages against the Defendant **The Fresh Market, Inc. and Fictitious Defendants A through I**, whose true and correct names are unknown at this time, in an amount to be determined by this Honorable Court, plus interest and costs.



ROGER K. FUSTON (FUS002)
Attorney for Plaintiff

OF COUNSEL:

Roger K. Fuston, LLC
600 Luckie Drive, Suite 300
Birmingham, AL 35223
Phone: 205-977-9798
Facsimile: 205-977-9799
Email: rfuston@fpflaw.com

SERVE DEFENDANT BY CERTIFIED MAIL AS FOLLOWS:

The Fresh Market, Inc.
c/o Corporate Creations Network, Inc.
4000 Eagle Point Corporate Drive
Birmingham, AL 35242



AlaFile E-Notice

01-CV-2020-903036.00

To: ROGER KING FUSTON
rfuston@fpflaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER ANDERSON V. THE FRESH MARKET, INC.
01-CV-2020-903036.00

The following complaint was FILED on 8/27/2020 12:44:27 PM

Notice Date: 8/27/2020 12:44:27 PM

JACQUELINE ANDERSON SMITH
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL, 35203

205-325-5355
jackie.smith@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 01-CV-2020-903036.00
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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
JENNIFER ANDERSON V. THE FRESH MARKET, INC.

NOTICE TO: THE FRESH MARKET, INC., C/O CORPORATE CREATIONS 4000 EAGLE POINT CORP DR., BIRMINGHAM, AL 35242

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),
 ROGER KING FUSTON

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 600 Luckie Drive, Suite 300, BIRMINGHAM, AL 35223

[Address(es) of Plaintiff(s) or Attorney(s)]

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of JENNIFER ANDERSON

[Name(s)]

 pursuant to the Alabama Rules of the Civil Procedure.

08/27/2020 /s/ JACQUELINE ANDERSON SMITH By: _____

(Date)
(Signature of Clerk)
(Name)

☒ Certified Mail is hereby requested. /s/ ROGER KING FUSTON

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____

(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
 _____ in _____ County,

(Name of Person Served)
(Name of County)

 Alabama on _____

(Date)

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Server's Printed Name)

(Phone Number of Server)



AlaFile E-Notice

01-CV-2020-903036.00

To: THE FRESH MARKET, INC.
C/O CORPORATE CREATIONS
4000 EAGLE POINT CORP DR.
BIRMINGHAM, AL, 35242

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER ANDERSON V. THE FRESH MARKET, INC.
01-CV-2020-903036.00

The following complaint was FILED on 8/27/2020 12:44:27 PM

Notice Date: 8/27/2020 12:44:27 PM

JACQUELINE ANDERSON SMITH
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL, 35203

205-325-5355
jackie.smith@alacourt.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THE FRESH MARKET, INC.
C/O CORPORATE CREATIONS
4000 EAGLE POINT CORP DR.
BIRMINGHAM, AL 35242



9590 9402 5899 0049 6287 38

2. Article Number (Transfer from service label)

7020 0640 0001 1594 9725

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *M Bart*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Mallean Barto

C. Date of Delivery

8/31/20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

SC

CV. 20. 903036

3. Service Type:

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(over 3000)

Domestic Return Receipt

DOCUMENT 6

USPS TRACKING#



FILED IN
CIRCUIT
SEP 08 2020

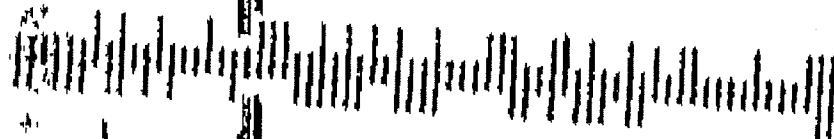
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 5899 0049 6287 38 JACQUELINE ANDERSON SMITH
CLERK

United States
Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box *

JACQUELINE ANDERSON SMITH, CLERK
ROOM 400 JEFF CO COURTHOUSE
716 RICHARD ARRINGTON JR BLVD., NO.
BIRMINGHAM, ALABAMA 35203





AlaFile E-Notice

01-CV-2020-903036.00

Judge: CAROLE C. SMITHERMAN

To: FUSTON ROGER KING
rfuston@fpflaw.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JENNIFER ANDERSON V. THE FRESH MARKET, INC.
01-CV-2020-903036.00

The following matter was served on 8/31/2020

D001 THE FRESH MARKET, INC.

Corresponding To
CERTIFIED MAIL

JACQUELINE ANDERSON SMITH
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL, 35203

205-325-5355
jackie.smith@alacourt.gov

Jennifer Anderson v. The Fresh Market, Inc.
Notice of Removal

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

Jennifer Anderson,

Plaintiff(s),

v.

The Fresh Market, Inc.; et al.,

Defendant(s).

**Civil Action No.
????**

NOTICE OF REMOVAL

Exhibit 2 – Alabama Secretary of State Business Entity Record



Alabama Secretary of State



The Fresh Market, Inc.	
Entity ID Number	923 - 369
Entity Type	Foreign Corporation
Principal Address	802 GREEN VALLEY RD #306 GREENSBORO, NC 27408
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Delaware
Formation Date	7-9-1981
Qualify Date	11-6-2002
Registered Agent Name	CORPORATE CREATIONS NETWORK INC
Registered Office Street Address	4000 EAGLE POINT CORPORATE DRIVE BIRMINGHAM, AL 35242
Registered Office Mailing Address	4000 EAGLE POINT CORPORATE DRIVE BIRMINGHAM, AL 35242
Nature of Business	
Capital Authorized	
Capital Paid In	
Annual Reports	
Annual Report information is filed and maintained by the Alabama Department of Revenue. If you have questions about any of these filings, please contact Revenue's Business Privilege Tax Division at 334-242-1170 or www.revenue.alabama.gov . The Secretary of State's Office cannot answer questions about or make changes to these reports.	
Report Year	2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2016 2017 2018 2019
Transactions	
Transaction Date	3-8-2010
Registered Agent Changed From	THE CORPORATION COMPANY 2000 INTERSTATE PK DR STE 204 MONTGOMERY, AL 36109
Transaction Date	11-9-2010
Miscellaneous Filing Entry	AMENDMENT FILED-JURISDICTION CHANGE FROM NORTH CAROLINA TO DELAWARE
Transaction Date	11-12-2015
Registered Agent Changed From	

The Fresh Market, Inc.	
	C T CORPORATION SYSTEM 2 NORTH JACKSON ST., SUITE 605 MONTGOMERY, AL 36104
Transaction Date	11-12-2015
Agent Mailing Address Changed From	Not Provided
Transaction Date	5-4-2020
Registered Agent Changed From	CORPORATE CREATIONS NETWORK INC 6 OFFICE PARK CIRCLE #100 MOUNTAIN BROOK, AL 35223
Transaction Date	5-4-2020
Miscellaneous Filing Entry	Agent Change Effective 04-06-2020 17:00
Transaction Date	5-4-2020
Agent Mailing Address Changed From	CORPORATE CREATIONS NETWORK INC 6 OFFICE PARK CIRCLE #100 MOUNTAIN BROOK, AL 35223
Scanned Documents	
<u>Purchase Document Copies</u>	
Document Date / Type / Pages	11-6-2002 Certificate of Formation 2 pgs.
Document Date / Type / Pages	3-8-2010 Registered Agent Change 1 pg.
Document Date / Type / Pages	11-9-2010 Miscellaneous Entry 15 pgs.
Document Date / Type / Pages	11-12-2015 Registered Agent Change 2 pgs.

[Browse Results](#)
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Jennifer Anderson v. The Fresh Market, Inc.
Notice of Removal

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

Jennifer Anderson,

Plaintiff(s),

v.

The Fresh Market, Inc.; et al.,

Defendant(s).

**Civil Action No.
????**

NOTICE OF REMOVAL

Exhibit 3 – Itemized Medical Bills

08/13/2020 02:31 FAX 2058797248

WADE ANDERSON

004

Grandview Medical Center
800 Montclair Road
Birmingham AL 35215

BENEFITS ASSIGNED

Itemized Bill

Patient Name
JENNIFER ANDERSON

Account Number
[REDACTED]

Admission
6/5/2019

Discharge
6/5/2019

Responsible Party

JENNIFER ANDERSON

3637 [REDACTED] DR

BIRMINGHAM AL 35223

Page 1 of 2

DATE	CHARGE	UNIT	DESCRIPTION	QUANTITY	CHARGE
6/5/2019	1216945	0250	ACETAMINOPH 500MG TB	2.00	\$2.00
6/5/2019	1217652	0250	FAMOTIDINE 20MG TAB	1.00	\$1.00
6/5/2019	1410003	0272	OTH STER SUPP LVL 3	1.00	\$428.00
6/5/2019	1410003	0272	OTH STER SUPP LVL 3	1.00	\$428.00
6/5/2019	1414005	0278	ANCHOR/SCRW LEVEL 5	1.00	\$1,265.00
6/5/2019	1414008	0278	ANCHOR/SCRW LEVEL 8	1.00	\$3,144.00
6/5/2019	1414012	0278	ANCHOR/SCRW LEVEL 12	1.00	\$9,492.00
6/5/2019	1110804	0360	OR LEV 4 INI 15 MIN	1.00	\$15,957.00
6/5/2019	1110814	0360	OR LEV 4 EA ADD MIN	65.00	\$14,755.00
6/5/2019	1110822	0360	AD PROCEDURE OR LV 2	1.00	\$3,286.00
6/5/2019	1131113	0370	ANES LV 3 INI 15 MIN	1.00	\$7,316.00
6/5/2019	1131123	0370	ANES LV 3 EA-ADD MIN	65.00	\$10,530.00
6/5/2019	1210194	0636	CEFAZOLIN 500MG INJ	2.00	\$254.00
6/5/2019	1210194	0636	CEFAZOLIN 500MG INJ	2.00	\$254.00
6/5/2019	1210801	0636	DEXAMETH NA 1MG INJ	8.00	\$496.00
6/5/2019	1210801	0636	DEXAMETH NA 1MG INJ	4.00	\$248.00
6/5/2019	1210801	0636	DEXAMETH NA 1MG INJ	4.00	\$248.00
6/5/2019	1210801	0636	DEXAMETH NA 1MG INJ	4.00	\$248.00
6/5/2019	1211037	0636	MIDAZOL HCL 1MG INJ	2.00	\$254.00
6/5/2019	1212547	0636	ROPIVACAINE 1MG INJ	100.00	\$260.00
6/5/2019	1212548	0636	ROPIVACAINE 1MG INJ	150.00	\$375.00
6/5/2019	1214009	0636	PROPOFOL 10MG INJ	20.00	\$220.00
6/5/2019	1218919	0636	LIDOCAINE 10MG IV	10.00	\$260.00
6/5/2019	1218919	0636	LIDOCAINE 10MG IV	10.00	\$260.00
6/5/2019	7212012	0636	KETOROLAC 15MG INJ	2.00	\$154.00
6/5/2019	7212023	0636	ONDANSETRON 1MG INJ	4.00	\$252.00
6/5/2019	7212023	0636	ONDANSETRON 1MG INJ	4.00	\$252.00
6/5/2019	7212039	0636	FENTANY CIT 0.1MG INJ	1.00	\$254.00
6/5/2019	7212039	0636	FENTANY CIT 0.1MG INJ	1.00	\$254.00

08/13/2020 02:31 FAX 2058797248

WADE ANDERSON

005

Page 2 of 2

DATE	CHARGE CODE	REVENUE CODE	CHARGE DESCRIPTION	QUANTITY	CHARGE AMOUNT
6/5/2019	7212039	0636	FENTANY CIT 0.1MG INJ	1.00	\$254.00
6/5/2019	1120002	0710	PACU LEV 2 INI 15 MN	1.00	\$3,227.00
6/5/2019	1120012	0710	PACU LEV 2 EA ADD MN	83.00	\$2,407.00
6/5/2019	1120012	0710	PACU LEV 2 EA ADD MN	196.00	\$5,655.00
6/5/2019	7210791	0250	OXYCOD10-APAP325MGTB	1.00	\$45.00
6/5/2019	1210267	0636	MEPERID HCL 100MG INJ	1.00	\$254.00
6/5/2019	7212039	0636	FENTANY CIT 0.1MG INJ	0.00	-\$254.00
6/5/2019	7212039	0636	FENTANY CIT 0.1MG INJ	1.00	\$254.00

Total Charges \$82,979.00

Total Payments -\$4,053.24

Total Adjustments -\$78,925.76

Total Amount Due \$0.00

08/13/2020 02:30 FAX 2058797248

WADE ANDERSON

002

Grandview Medical Center
800 Montclair Road
Birmingham AL 35215

Itemized Bill

BENEFITS ASSIGNMENT

Patient Name
JENNIFER ANDERSON

Account Number

Admission

Discharge

12/26/2019

12/26/2019

Responsible Party

JENNIFER ANDERSON

3637 DR

BIRMINGHAM AL 35223

Page 1 of 2

DATE	ONE-STOP CODE	REVENUE CODE	CDT CODE	DESCRIPTION	QUANTITY	CHARGE
12/26/2019	1211157	0250		SOD CHLOR .9% 10ML	1.00	\$6.40
12/26/2019	1212915	0250		KETAMINE 50MG/5MLINJ	1.00	\$56.00
12/26/2019	1218945	0250		ACETAMINOPH 500MG TB	2.00	\$2.20
12/26/2019	1217080	0250		BUPI-MPF.25%/EPI 10M	3.00	\$807.00
12/26/2019	1217080	0250		BUPI-MPF.25%/EPI 10M	0.00	-\$807.00
12/26/2019	1217080	0250		BUPI-MPF.25%/EPI 10M	1.00	\$269.00
12/26/2019	1218978	0250		FAMOTIDINE 10MG TAB	2.00	\$1.10
12/26/2019	7210791	0250		OXYCOD10-APAP325MGTB	1.00	\$48.00
12/26/2019	1410003	0272		OTH STER SUPP LVL 3	1.00	\$453.00
12/26/2019	1410003	0272		OTH STER SUPP LVL 3	0.00	-\$453.00
12/26/2019	1410003	0272		OTH STER SUPP LVL 3	1.00	\$453.00
12/26/2019	1315157	0300		VENIPUNCTURE ROUTINE	1.00	\$28.00
12/26/2019	1314161	0301		VITAMIN D 250H	1.00	\$206.00
12/26/2019	1316342	0301		BASIC METABOLIC TOTA	1.00	\$103.00
12/26/2019	1314754	0305		CBC W/PLT	1.00	\$80.00
12/26/2019	1110804	0360		OR LEV 4 INI 15 MIN	4.00	\$17,553.00
12/26/2019	1110814	0360		OR LEV 4 EA ADD MIN	26.00	\$6,500.00
12/26/2019	1131113	0370		ANES LV 3 INI 15 MIN	1.00	\$8,048.00
12/26/2019	1131123	0370		ANES LV 3 EA ADD MIN	26.00	\$4,628.00
12/26/2019	1210801	0636		DEXAMETH NA 1MG INJ	8.00	\$528.00
12/26/2019	1210801	0636		DEXAMETH NA 1MG INJ	4.00	\$264.00
12/26/2019	1211037	0636		MIDAZOL HCL 1MG INJ	2.00	\$268.00
12/26/2019	1211037	0636		MIDAZOL HCL 1MG INJ	2.00	\$268.00
12/26/2019	1211037	0636		MIDAZOL HCL 1MG INJ	0.00	-\$268.00
12/26/2019	1212548	0636		ROPIVACAINE 1MG INJ	150.00	\$405.00
12/26/2019	1214009	0636		PROPOFOL 10MG INJ	20.00	\$240.00
12/26/2019	1218919	0636		LIDOCAINE 10MG IV	10.00	\$280.00
12/26/2019	7212023	0636		ONDANSETRON 1MG INJ	4.00	\$268.00
12/26/2019	7212039	0636		FENTANY CIT 0.1MG INJ	1.00	\$269.00

08/13/2020 02:30 FAX 2058797248

WADE ANDERSON

003

Page 2 of 2

DATE	CHARGE CODE	REVENUE CODE	CHARGE DESCRIPTION	QUANTITY	CHARGE AMOUNT
12/26/2018	7212039	0636	FENTANY CIT 0.1MG INJ	1.00	\$269.00
12/26/2018	7212039	0636	FENTANY CIT 0.1MG INJ	0.00	-\$269.00
12/26/2019	1120003	0710	PACU LEV 3 INI 16 MN	1.00	\$4,563.00
12/26/2019	1120013	0710	PACU LEV 3 EA ADD MN	19.00	\$608.00
12/26/2019	1120013	0710	PACU LEV 3 EA ADD MN	80.00	\$2,560.00
12/26/2019	7212039	0636	FENTANY CIT 0.1MG INJ	0.00	-\$269.00

Total Charges \$47,965.70

Total Payments -\$3,806.53

Total Adjustments -\$44,159.17

Total Amount Due \$0.00

08/13/2020 02:28 FAX 2058797248

WADE ANDERSON

004

Grandview Medical Center
800 Montclair Road
Birmingham AL 35215

Itemized Bill

BENEFITS ASSIGNED

Patient Name Account Number Admission Discharge
JENNIFER ANDERSON ~~XXXXXXXXXX~~ 2/12/2020 2/12/2020

Responsible Party
JENNIFER ANDERSON
3637 ~~XXXXXXXXXX~~ DR

BIRMINGHAM AL 35223

Page 1 of 2


Date	Account Number	ICD-9	Procedure	Quantity	Rate
2/12/2020	1216945	0250	ACETAMINOPH 500MG TB	2.00	\$2.20
2/12/2020	1217032	0250	BACITRACIN 50000U IM	1.00	\$269.00
2/12/2020	1217986	0250	METOCLOPRAMID 10MG TB	1.00	\$48.00
2/12/2020	1217986	0250	METOCLOPRAMID 10MG TB	0.00	-\$48.00
2/12/2020	1218978	0250	FAMOTIDINE 10MG TAB	2.00	\$1.10
2/12/2020	1316167	0300	VENIPUNCTURE,ROUTINE	1.00	\$28.00
2/12/2020	1314433	0301	POTASSIUM SER PL WB	1.00	\$28.00
2/12/2020	1314753	0305	CBC W-PLT AUTO COMPD	1.00	\$80.00
2/12/2020	1110802	0360	OR LEV 2 INI 15 MIN	1.00	\$12,040.00
2/12/2020	1110812	0360	OR LEV 2 EA ADD MIN	40.00	\$8,640.00
2/12/2020	1131113	0370	ANES LV 3 INI 15 MIN	1.00	\$8,048.00
2/12/2020	1131123	0370	ANES LV 3 EA ADD MIN	40.00	\$7,120.00
2/12/2020	1210194	0636	CEFAZOLIN 500MG INJ	2.00	\$268.00
2/12/2020	1210801	0636	DEXAMETH-NA 1MG INJ	1.00	\$264.00
2/12/2020	1211037	0636	MIDAZOL- HCL 1MG INJ	2.00	\$268.00
2/12/2020	1211037	0636	MIDAZOL HCL 1MG INJ	2.00	\$268.00
2/12/2020	1214009	0636	PROPOFOL 10MG INJ	20.00	\$240.00
2/12/2020	1218919	0636	LIDOCAINE 10MG IV	10.00	\$280.00
2/12/2020	7212023	0636	ONDANSETRON 1MG INJ	4.00	\$268.00
2/12/2020	7212039	0636	FENTANY CIT 0.1MG INJ	1.00	\$269.00
2/12/2020	7212039	0636	FENTANY CIT 0.1MG INJ	1.00	\$269.00
2/12/2020	7212244	0636	PROMETHAZI UPTO 50MG	1.00	\$269.00
2/12/2020	7212274	0636	HYDROMORPH UP TO 4MG	1.00	\$269.00
2/12/2020	1120003	0710	PACU LEV 3 INI 15 MN	1.00	\$4,563.00
2/12/2020	1120013	0710	PACU LEV 3 EA ADD MN	20.00	\$640.00
2/12/2020	1120013	0710	PACU LEV 3 EA ADD MN	115.00	\$3,680.00

08/13/2020 02:28 FAX 2058797248

WADE ANDERSON

005

Page 2 of 2



Total Charges	\$48,071.30
Total Payments	-\$393.52
Total Adjustments	-\$47,677.78
Total Amount Due	\$0.00